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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/779,729 | 02/18/2004 | Fujikazu Sugimoto | 118593 | 1727 |

25944 7590 02/05/2007
OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

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| EXAMINER |
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SABOURI, MAZDA

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| ART UNIT | PAPER NUMBER |
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2617

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/05/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|-----------------|-----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/779,729 | SUGIMOTO ET AL. | |
| | Examiner | Art Unit | |
| | Mazda Sabouri | 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims filed on 11/3/2006 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1,3 and 9** rejected under 35 U.S.C. 102(e) as being anticipated by US

6968209 (Ahlgren et al.).

5. **As to claim 1**, Ahlgren teaches a data backup system, comprising:

- a. A wearable computer (20, fig 2. Note that element 20 may be a pager, see column 1, lines 44-50) including a receiving device (antenna) to receive backup data (changed records sent from element 10, fig 2) and a backup-data writing device (210, fig 2) to write the backup data to a second storage device (50, fig 2);
- b. A portable information terminal (10, fig 2. Note that element 10 may be a portable information terminal, see column 1, lines 44-50) that carries out data communication (30, fig 2) with the wearable computer, the portable information terminal including,
 - i. A first storage device (40, fig 2) to store predetermined data (records), a history of updates of the data (timestamp indicating when changes to records are made), and a history of backups of the data (timestamp indicating time of synchronizations. Note that this timestamp is not explicitly taught. However, it is implicit due to the fact that element 10 knows that a record change has occurred subsequent to a synchronization, see column 2, lines 24-30);

ii. An extracting device (200, fig 2) to read the update history and the backup history from the first storage device, compare a time of the last backup indicated by the backup history with a time of the last update indicated by the update history, search for data newly updated since the time of the last backup, extract the newly updated data of the data, and delete an update time from only the extracted newly updated data (change log contains changed records and corresponding timestamps for records that are changed subsequent to the last synchronization. It is therefore implicit that the changed data and corresponding timestamps would be deleted from the change log after the next synchronization has occurred, see column 2, lines 10-14);

iii. A data sending device (transmitter for element 10) to send only the extracted newly updated data as the backup data to the wearable computer (see Ahlgren, column 1, lines 41-67 and column 2, lines 1-30).

6. **As to claim 3**, Ahlgren further teaches that the predetermined data and the backup data include an identifier (identity of the database records, see Ahlgren, column 2, lines 14-18), wherein the back-up writing device compares an identifier stored in advance in the second storage device with the identifier of the backup data before writing the backup data into the second storage (element 20 receives identity of database records that have been changed and make changes to it's own records having the same identity) (see Ahlgren, column 2, lines 10-31).

Art Unit: 2617

7. **As to claim 9**, the system cited in the rejection of claim 1 performs all of the steps recited in the method of claim 9.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. **Claim 2** rejected under 35 U.S.C. 103(a) as being unpatentable over US 6968209 (Ahlgren et al.) in view of US 2003/0120685 (Duncombe et al.).

11. **As to claim 2**, what is lacking is the portable information terminal further comprising: a data compressing device to compress the backup data, and the data sending device sends the compressed backup data, and the wearable computer further comprises: a data expanding device to expand the compressed backup data received by the receiving device. In a similar field of endeavor, Duncombe teaches a similar

Art Unit: 2617

system where the portable information terminal further comprises: a data compressing device to compress the backup data, and the sending device sends the compressed backup data, and the wearable computer further comprises: a data expanding device to expand the compressed backup data received by the receiving device (paragraph 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Ahlgren to include a data compressing device in the portable information terminal and a decompressing device in the wearable computer to reduce the time taken for the data transfer.

12. **Claims 4,5 and 10** rejected under 35 U.S.C. 103(a) as being unpatentable over US 6968209 (Ahlgren et al.) in view of US 2002/0103008 (Rahn et al.).

13. **As to claim 4**, what is lacking is the first storage device storing a predetermined communication identifier and sending that identifier such that an authentication device comprised in the wearable computer permits connection by comparing the identifier to an identifier stored in the wearable device. In a similar field of endeavor Rahn teaches a first storage device (28,30, fig 4) storing a predetermined communication identifier (encryption code) and sending that identifier such that an authentication device (45, fig 2B) comprised in a computer (50, fig 1. Note that Ahlgren teaches a wearable computer) permits connection by comparing the identifier to an identifier (decryption code) stored in the computer (see Ahlgren, paragraphs 33-38). Motivation for using this teaching is found in Rahn. Rahn teaches that the communication identifier prevent third parties from intercepting data (see Rahn, paragraph 33). It would have been obvious to

Art Unit: 2617

one of ordinary skill in the arts at the time the invention was made to combine the teachings of Rahn, into those of Ahlgren, for the reasons mentioned above.

14. **As to claim 5**, the wearable computer cited in the rejection of claim 1 meets most of the embodiments of the wearable computer recited in claim 5. As for a first communication identifier and the authentication device, note the rejection of claim 4 (predetermined communication identifier=first communication identifier code). As for the second communication identifier code, note the rejection of claim 3 (identifier=second identifier code).

15. **As to claim 10**, the system cited in the rejection of claim 4, performs all of the steps recited in the process of claim 10.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6839564 (Sutinen et al.) teaches synchronization of database data. US 2003/0104833 (Chiu) teaches a data synchronization system and method.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mazda Sabouri whose telephone number is 571-272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 561-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mazda Sabouri
Examiner
Art Unit 2617


DUC M. NGUYEN
SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2600